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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,641	06/26/2003	Jeffrey Preston Wolven	PED0748P0200US	5045
32116	7590	10/13/2005	EXAMINER	
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661			KASTLER, SCOTT R	
			ART UNIT	PAPER NUMBER
			1742	

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/606,641	WOLVEN, JEFFREY PRESTON	
	Examiner	Art Unit	
	Scott Kastler	1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 20-27 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8-17 is/are rejected.
- 7) ☒ Claim(s) 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/18/04, 6/26/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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Election/Restrictions

Applicant's election of claims 1-19 (Group I) in the reply filed on 8/31/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 20-27 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/31/2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kochsiek et al. Kochsiek et al teaches an apparatus for positioning a tool relative to a workpiece including a first carrier rotatable on a first axis (3), a second carrier carried by the first carrier rotatable about a second axis eccentric to the first axis (4), a tool holder associated with the second carrier (5) in an offset eccentric relationship to the second axis and which will locate a tool within an area circular about the first axis and could be adapted to cut any desired path within this area, and a drive mechanism for rotatably driving the first and second carriers including external gear teeth

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including a ring gear, which can drive the carriers at any desired rate, as well as lock means thereby showing all aspects of the above claims.

Claims 8-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Crivellin.

Crivellin teaches an apparatus for positioning a tool relative to a workpiece including a first carrier rotatable on a first axis (19), a second carrier carried by the first carrier rotatable about a second axis eccentric to the first axis (21), a tool holder associated with the second carrier (22) in an offset eccentric relationship to the second axis and which will locate a tool within an area circular about the first axis and could be adapted to cut any desired path within this area, and a drive mechanism for rotatably driving the first and second carriers including external gear teeth including a ring gear, which can drive the carriers at any desired rate, as well as lock means thereby showing all aspects of the above claims.

Claims 8-11 rejected under 35 U.S.C. 102(b) as being anticipated by Fedeli. Fedeli teaches an apparatus for positioning a tool relative to a workpiece including a first carrier rotatable on a first axis (18), a second carrier carried by the first carrier rotatable about a second axis eccentric to the first axis (28), a tool holder associated with the second carrier (30) in an offset eccentric relationship to the second axis and which will locate a tool within an area circular about the first axis and could be adapted to cut any desired path within this area, and a drive mechanism for rotatably driving the first and second carriers, thereby showing all aspects of the above claims.

Claims 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by German'058.

German'058 teaches an apparatus for positioning a tool relative to a workpiece including a first carrier rotatable on a first axis (1), a second carrier carried by the first carrier rotatable about a

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second axis eccentric to the first axis (3), a tool holder associated with the second carrier (13) in an offset eccentric relationship to the second axis and which will locate a tool within an area circular about the first axis and could be adapted to cut any desired path within this area, and a drive mechanism for rotatably driving the first and second carriers including external gear teeth including a ring gear, which can drive the carriers at any desired rate, as well as lock means thereby showing all aspects of the above claims.

Allowable Subject Matter

Claims 1-7 are allowed at least because none of the cited or applied prior art shows or fairly suggests including a workpiece drive and support means for moving the supported workpiece in combination with the instantly recited tool handling apparatus in order to lend more flexibility to the cutting process.

Claims 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Kastler whose telephone number is (571) 272-1243. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Scott Kastler
Primary Examiner
Art Unit 1742

sk